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Letter dated 21 March 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 7 November 2002 (S/2002/1233). The Counter-Terrorism Committee has received the attached supplementary report from the United Republic of Tanzania submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 17 March 2005 from the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the United Republic of Tanzania to the United Nations presents its compliments to the Chairman and has the honour to enclose herewith the supplementary report of the United Republic of Tanzania (see enclosure).

Enclosure

Supplementary report submitted by the United Republic of Tanzania to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

SUB-PARAGRAPH 1 (a)

Does the 'Administrative Circular' of the Bank of Tanzania on money laundering have the force of law? In particular, what is the legal basis for the 'administrative fines' imposed by it on banks and other financial institutions and 'on defaulting officers'?

The Bank of Tanzania issued an administrative circular No. 8 on Money Laundering Control on 30th June 2000. This Circular by itself has no force of law. But through interpretation of relevant provisions of the Banking and Financial Institution Act, 1991 [BFIA 1991] it could be said that it has backing of the law. Section 17 of the Banking and Financial Institutions Act, empowers the Bank of Tanzania to supervise all banks and financial institutions in the United Republic of Tanzania. Section 17 (1) states that:

> "Notwithstanding any provisions of any law, the power relating to the supervision, bank, control and regulation of all banks and financial institutions in the United Republic is hereby vested in the bank which, for the purposes of this Act and without prejudice to the generality of the power conferred by the foregoing, shall have power to-
>
> (c) Require any bank or financial institution within such time as it may stipulate, to furnish any information or to comply with any order, directive or determination issued or made by the bank pursuant to all the powers of the bank conferred on it under this act or the Bank of Tanzania Act;
>
> (d) Require any bank or financial institution to provide periodical written reports at such times and in such manner as may be prescribed by the bank".

The above-mentioned section of the law, through interpretation, gives legal backing to Circular No.8.

The legal basis for the 'administrative fines' imposed by Circular No. 8 on banks and other financial institutions and on 'defaulting officers' emanates from section 17 (2) of the Banking and Financial Institutions Act, 1991 which states:

> "If any bank or financial institution contravenes or fails to comply with any requirement under paragraph (c) of sub-section (1) of this section, the bank or financial institution concerned and every officer thereof who is in default shall be liable on conviction to a default fine".

As stated above, the legal backing of Circular No.8 is not specifically and directly expressed, but its legality is established by inference. Sensing this gap, a draft Bill to amend the BFIA will soon be tabled before Parliament.

The Counter-Terrorism Committee (CTC) would welcome a progress report on, and particulars of, the reporting chain of suspicious transactions mentioned in the report and an indication of what constitutes a 'suspicious transaction' in that context.

According to the provisions of Circular No.8 on Money Laundering Control, Article 4 (g), covered institutions are required to develop a reporting chain of suspicious transactions and report promptly such transactions to the law enforcement agencies after consultation with the Bank of Tanzania.

Particulars of some of the suspicious transactions reported by banks and financial institutions since the circular came into force:

(1) Fourteen remittances from various persons in Taiwan, totaling $ 101, 220.00 through Money Gram. The remittances were made between 19.02.2004 and 09.04.2004; the suspicion was caused by the frequency and aggregate amount involved in the transfers.

(2) Various big deposits by a customer, (who used to have a minimal balance of TAS 10,000.00), ranging between TAS 500,000 and TAS 2.00 Million and six transfers from Zambia ranging between TAS. 20 Million and TAS 52 Million. The sudden change in the pattern and size/ amount of deposits raised the institution's suspicions.

(3) A new account was opened on 6th May 2003 and on 22nd August 2003 the account received US $259,390.40 from Oman Arab Bank, through Citibank New York. The amount was considered unusual/big to warrant suspicion.

(4) Two accounts had been operating with an average balance of TAS 20,000.000 and TAS 1.34 Million. On 12th and 15th July 2003 the client deposited TAS. 13.00 Million and TAS 100.000 Million, respectively. The funds were said to be proceeds from the sale of property. How ever, the amount was considered big for the accounts.

(5) On 15th December 2003 an institution's client received US $ 89, 975.00 through CitiDirect Online banking same day Cr Transfer. The Highest credit in this account since June 2000 was TAS 9.75 Million. US $ 89, 975, which is equivalent to TAS. 95.55 Million was considered unusual for this account.

The Bank of Tanzania, the reporting institutions and the law enforcement agency, handled all the above cases jointly and in cooperation.

Is there any obligation on financial Intermediaries other than banks and financial institutions (e.g. Lawyers, brokers) to report suspicious transactions to the relevant authorities? If so, what penalties apply to those who omit to report?

The Prevention of Terrorism Act, Act No. 21 of 2002 provides that every person should disclose suspicious transactions relating to terrorist acts (information) to relevant authorities. The penalty for such failure (of disclosure) is imprisonment of not less than 2 years and not more than 5 years (Section 40).

Under the same statute, every person is duty-bound to disclose information relating to property of terrorist groups or property used for commission of offences. The penalty for failing to disclose such information is imprisonment to a term of not less than 12 months.

However, under the proposed amendments to the Proceeds of Crimes Act, 1991 financial intermediaries (e.g. Lawyers & Brokers) are required to report suspicious transactions to the relevant authorities.

Does the directive issued by the Bank of Tanzania relating to the blocking and freezing of accounts and properties belonging to individuals and entities linked to terrorism have the force of law?

There is no single directive relating to the blocking and freezing of accounts and properties belonging to individuals and entities linked to terrorism. Whenever the Bank of Tanzania receives a list containing names of individuals and /or entities linked to terrorism, the bank issues a new circular containing those names, directing banks and financial institutions to scrutinize their records in order to determine if they have accounts or assets belonging to those persons. If such accounts/assets are found, banks and financial institutions are directed to block and freeze them. All banks and financial institutions are required to report to the Bank of Tanzania regardless of whether they have or have no relationship with the listed names. Banks and financial institutions also commit themselves to report to the Bank of Tanzania any attempt by the listed individuals and entities to establish relationships with them.

Those directives by themselves have no force of law but inference has to be made to Section 17 of the BFIA, 1991 mentioned above. The proposed amendments to the BFIA and the Anti Money laundering Bill are expected to give direct and clear backing to those directives.

Is that directive limited in its operation to 'those individuals and companies linked to terrorism as provided by the United States of American Government'? Is it capable of operating generally in relation to individuals and entities that can be demonstrated to have terrorist links while not being named in any list?

A separate directive is issued whenever a list containing names is received from the US Government. Those directives are limited in their operations to the names listed in them. They are not capable of operating generically in relation to individuals and entities that can be demonstrated to have terrorist links while not being named in any list. When a bank or financial institution encounters such a situation, it has to report immediately as a "suspicious transaction" under the provisions of Circular No.8

The CTC would be grateful for progress reports on:

- *The review of the Circular on the freezing and blocking of accounts, etc.*

As stated above, there is no single circular on the freezing and blocking of accounts, etc. For every new list, a new directive or circular is issued to all banks and financial institutions.

The CTC would be grateful for progress report on:

- *The consultations relating to; and actions taken to establish the proposed financial intelligence unit.*

The proposed amendments to the Proceeds of Crime Act provide for the establishment of a Financial Intelligence Unit.

SUB-PARAGRAPH 1 (b)

What constitutes a 'criminal racket', for the purposes of the Economic and Organized Crimes Control Act of 1984? What application does the Act, the Proceeds of Crimes Act of 1991 or any other Legislation have specifically in relation to the financing of terrorism, particularly in cases where money and other sources are intended or reasonably suspected of being intended, for use for terrorist purposes is derived from legitimate sources?

Criminal Racket

Under Section 2 of the Economic and Organized Crime Control Act, a 'criminal racket' means "any combination of persons or enterprises engaging, or having for the purpose of engaging, whether once, occasionally or on a continuing basis, in conduct which amounts to any offence under this Act."

The Economic and Organized Crime Control Act and Proceeds of Crime Act are silent on property. However, the Prevention of Terrorism Act specifically prohibits the provision or collection of funds and property from whatever source for financing terrorism as follows:

> Section 13: "Every person who provides, or collects by any means, directly or indirectly, any funds, intending, knowing or having reasonable grounds to believe that the funds will be used in full or in part to carry out a terrorist act commits an offence and shall on conviction be liable to imprisonment for a term not less than fifteen years and not more than twenty years."
>
> Section 14: "Every person who, directly, collects property or provides, invites a person to provide, or makes available, property or financial or other related services-
>
> (a) intending that they be used, in whole or in part, for the purpose of committing or facilitating the commission of, a terrorist act or for the purpose of benefiting any person who is committing or facilitating the commission of terrorist act, or
>
> (b) Knowing that in whole or in part, they will be used by, or will benefit, a terrorist group,
>
> Commits an offence and on conviction, be liable to imprisonment for a term not less than twenty years and not more than twenty five years.
>
> Section 15: "Every person who-
>
> (a) uses property, directly or indirectly, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act; or
>
> (b) posses property intending that it be used or knowing that it will be used, directly or indirectly, in whole or in part, for the purpose of committing or facilitating the commission of a terrorist act,

Commits an offence and shall on conviction be liable to imprisonment for not less than fifteen years and not more than twenty years.

SUB-PARAGRAPH 1 (c)

Please provide a detailed outline of the provisions of the Proceeds of Crimes Act, 1991 and the Mutual Assistance in Criminal Matters Act of 1991 relating to freezing of accounts.

The proposed amendments to the Proceeds of Crime Act, 1991 provides for freezing of accounts but it is yet to come into force.

- *How quickly can a restraining order under Part V of the Proceeds of Crimes Act of 1991 be obtained?*

Sections 38 and 39 of the Proceeds of Crime Act, 1991 state that a court may grant a restraint order where it deems fit to do so or on an application by the Attorney General. Section 39 provides for the circumstances under which the court may grant restraint orders, it is these circumstances that determine how quickly the restraining order may be issued; among the grounds are:

(i) If the court is satisfied that the offence concerned is a specific offence.

(ii) Where the offence concerned is a serious offence other than a specific offence, in which case the court shall, subject to this part, issue an interdict against the property unless the court is satisfied that it is not in the public interest to make such an order.

(iii) Where the defendant has not been convicted of the offence concerned, the court will only issue a retrieving order unless the application for the interdict is supported by an affidavit of a police officer stating that he admits that the defendant committed the offence and that the court is satisfied that having regard to the contents of the said affidavit, there are reasonable grounds for holding that belief.

(iv) Where the application is made pending the charging of the defendant with the offence concerned, with the exception that the court is satisfied that the defendant will be charged with the offence or a related offence within 48 hours.

Is there any provision for the freezing of accounts and the restricting of dealings with property during investigations and a head of charges being laid?

Section 12 (5) (a) of the Prevention of Terrorism Act, 2002 provides for freezing of funds and assets. Section 35 of the Proceeds of Crimes Act states that seized property during and after investigations shall be kept by the Inspector General of Police or another officer with written authority, and shall ensure that all reasonable steps are taken to preserve it until it is required for the purpose of the Act or disposed of in the terms of the Act.

Section 44 of the Criminal Procedure Act, 1985 provides for the property to be seized (during investigation) until the conclusion of the case or the investigation and reasonable care be taken for its preservation.

Part VI of the Mutual Assistance in Criminal Matters Act, 1991 provides for forfeiture of property during investigations and a head of charges being laid. Part IX S. 351 of the Criminal Procedure Act also provides for the forfeiture of property.

SUB-PARAGRAPH 1 (d)

What laws and practical controls and surveillance measures exist to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism?

Refer to sub-paragraph 1 (b).

Please indicate the laws and procedures available to regulate alternative remittance systems, including systems of, or similar to, the kind known as "hawala"

Currently, no Laws and Procedures are in Place to regulate informal systems of money remittance such as "hawala".

SUB-PARAGRAPH 2 (a)

Are the provisions of the Constitution dealing with military recruitment adequate to deal specifically with recruitment within Tanzania of persons for terrorist activities outside Tanzania.

All military recruitments are done in accordance with the constitution of the United Republic of Tanzania. Article 48(1) of the constitution empowers the commander in-chief (in this case the President) to order *inter alia* any such forces to engage in the operations for the defense of the United Republic of Tanzania for any other purposes, whether within or outside Tanzania, which may appeal to the commander-in-chief to be expedient.

The CTC would welcome a more detailed information on the provisions of the Legislation relating to arms and ammunition and explosives that are of particular relevance to this sub-paragraph. Is there a requirement for the legislation of firearms and licensing of persons to own them and to carry them? What legislative and administrative controls apply to the import and export of arms, ammunition and other explosives?

The United Republic of Tanzania has strict laws and regulations concerning ownership of firearms. Tanzania also has a central arms registry for the registration of all arms and ammunition that are possessed by individuals. The police force does the registration as well as maintenance of the registry.

The National Security Act, 1970
This Act is aimed at making better the provisions relating to state security, to deal with espionage, sabotage and other activities prejudicial to the interests of the United Republic and for other related purposes.

Section 8(1) prohibits any person from possessing offensive weapons or materials without lawful authority. These include any substance, material or article made or adapted for use of causing or threatening and includes explosives, ammunition and any inflammable liquid or substance and any acid or gas. The penalty for unlawful possession is imprisonment of a term not exceeding 10 years. Section 20(1) provides that "any person who contravenes the provisions of the Act commits an offence, whether in or outside Tanzania".

The Explosives Act, 1963
This Act is aimed at making provisions for the control of the manufacture, import, export, purchase, sale, possession and use of explosives and related materials. Section 3(1) makes it unlawful for any person to import, manufacture, possess, acquire or dispose of, sell, convey, deal or traffic in any explosive substance unless that substance has been approved by the commissioner for use in Mainland Tanzania.

Penalty: Fine not less that 5 million shillings or imprisonment for a term not less than 3 years but not exceeding 7 years or both such fine and imprisonment. However, members of the military forces in Tanzania acting in the course of their duties as members of such forces are exempted from the provisions of the Act.

Part II of the Act prohibits the manufacture of explosives unless the manufacturer is a holder of a valid license and complies with the conditions of the statute. Part IV prohibits the importation of explosives without a valid permit.

Part V Prohibits the transport of explosives except under permit and that care and security should be taken while explosives are in transit, by whichever means used.

Part VI and VII provide for the restriction against acquisition, possession and disposal of explosives, as well as their storage requirements and conditions.

Arms and Ammunition Act, 1991
Section 4 of the Act prohibits any person to possess, except in a public warehouse (and at his cost) to carry, to have under his control any fire arms or ammunition without a license. Members of the armed forces are exempted. This part covers both Tanzania Mainland and Zanzibar. It also recognizes reciprocal recognition of arms licenses in neighbouring countries including Kenya, Malawi, Rwanda, Uganda and Zimbabwe.

Part III imposes restrictions on the export and import of arms and ammunition in and out of Tanzania, except under a valid license or where the said arms are not intended for warlike purposes.

Travelers are also prohibited from introducing arms and ammunition into Tanzania except under specified circumstances and strictly in accordance with the law of Tanzania and international conventions. Part IV provides for the storage requirements of arms and ammunition and other dealings, and requires the importer to obtain a permit for the said disposition. Only the authorized officer shall give directions regarding transportation of the ammunition and the storage. Penalty: imprisonment for 6 years.

Part IV: Contains enforcement provisions of the Act, that include the establishment of central offices both at Dar es Salaam and Zanzibar for recording permits and licenses under the Act; duties of persons possessing or controlling arms and ammunition; safe custody and powers of the Minister to make regulations and penalties for those who contravene the provisions of the Act; and the power to forfeit, search and seize the arms.

The Armaments Control Act, 1991

Part II: Section 5 – The president is required and mandated to facilitate and ensure for the formulation and implementation of a realistic policy consistent with National Security as a whole for the control of all dealings in and with armaments within the United Republic.

Section 11 prohibits any person to carry, convey or have in his possession or under his control any armaments except under the terms and conditions as prescribed by the Board (established under part II). The Section does not cover armaments which are in the possession of the Government.

Section 12 prohibits the export and import of armaments while section 13 prohibits the manufacture, save under a lawful supervision and license. Section 16 and 17 provides for the forfeiture of armaments either connected with an offence or those found without an apparent owner. Penalty: Imprisonment for a term not exceeding 15 years, not less than 7 years or to a fine not exceeding 3 million shillings or to both fine and imprisonment.

Section 19 provides for regulations, which the Minister may make for the better carrying of provisions of the Act, such as requiring manufactures, importers or sellers of armaments to keep and produce records to furnish returns to the Board.

SUB-PARAGRAPH 2 (b)

Does Tanzania have a body specialized in counter terrorism or is that the responsibility of a number of a departments or agencies in the latter case, how is the coordination between the various entities affected?

Does each agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks among agencies?

The Tanzania Police Force has established a Counter Terrorism Unit, which is based at CID Head quarters. The Unit works very closely with a counterpart Unit under the Tanzania Intelligence and Security Service. This implies that the fight against terrorism in Tanzania is the responsibility of various Government departments or agencies.

Coordination between various entities is done under the umbrella of meetings of the Heads of Defense and Security Organs. Normally they have scheduled meetings to discuss security matters including terrorism. In case of any major terrorist threat or incident, the heads meet and direct formation of a task force, which will deal with a specific threat.

Depending on the gravity of the issue at hand, each Agency defines its strategy independently, governed by the constitutional and legal responsibility of the department. However in case of a major national issue that requires a multi-sectoral approach then the Meeting of the Heads of Security and Defense Organs will determine the policy and Members of the Joint Task Force will distribute the tasks among agencies. The joint task force is formed by the Inspector General of Police, Director General of Tanzania Intelligence Service and the Chief of Defense Forces.

SUB-PARAGRAPH 2 (c)

What provisions exist to exclude from Tanzania Asylum seekers, and others who are persons of the kind mentioned in the sub-paragraph 2 (c) of the resolution?

The Tanzania Police Force complies with the established Interpol procedures. The time limit taken to respond to a request from a member state, depends on various factors such as the availability of adequate information from the requesting state, and also the nature or status of the request. For the request, which is classified, as urgent, we are expected to respond within 24 hours. For the ordinary it may take one month.

SUB-PARAGRAPH 2 (d)

The CTC would welcome a progress report on, and a detailed outline `of, the measures being taken to strengthen the laws of Tanzania in order to comply with the requirements of this sub-paragraph particularly in relation to the transnational aspects of terrorist activity.

The Government of Tanzania enacted the Prevention of Terrorism Act, Act No. 21 of 2002, which puts in place comprehensive measures for combating terrorism. The Act defines and prohibits acts of terrorism.

SUB-PARAGRAPH 2 (e)

What is the competence of the courts of Tanzania to deal with criminal act of each of the following kinds:-

- *An act committed outside Tanzania by a person who is a citizen or habitually resident in Tanzania (whether that person is currently resident or not)*

The Penal Code, Cap 16.
Chapter III deals with the territorial application of the code.
Section 6 provides *inter alia* that the Jurisdiction of the courts of Tanganyika for the purposes of this code extends to:

(b) any offence committed by a citizen of Tanganyika, in any place outside Tanganyika.

- *An act committed outside Tanzania by a foreign national who is currently in Tanzania*

Under the Extradition Act, No 15 of 1965, courts in Tanzania have the competence of dealing with cases where a criminal act is committed outside Tanzania by a foreign national who is currently residing in Tanzania.

SUB-PARAGRAPH 2 (f)

Please provide a list of Bilateral and Multilateral treaties on mutual assistance in criminal matters and on extradition to which Tanzania is a party.

In the event that a person is arrested with forged travel documents, he or she shall be prosecuted under the provisions of the Tanzania Passports and Travel Documents Act, No. 20 of 2002.

How does Tanzania secure its extensive borders against unauthorized crossings?

Tanzania secures its extensive borders against unauthorized crossing through joint monitoring system in place at the entry points. The Immigration office closely works with State Security and the Police Force to secure the borders.

SUB–PARAGRAPH 3 (c)

What is the legal basis for extradition in Tanzania? In particular:

- *Is it governed, in any respect, by legislation? If so, outline the legislation.*

Yes.
Tanzania is governed by legislation in matters of extradition, which is the Extradition Act, No. 15 of 1965, the Mutual Assistance in Criminal Matters of 1991 and the Prevention of Terrorism Act, No. 21 of 2002.

Is it contingent, in any respect on the existence of bilateral treaties? If so, please provide a list of countries with which Tanzania has concluded relevant bilateral treaties.

List of countries:

- Kenya
- Mauritius
- Uganda
- Zambia

SUB-PARAGRAPH 3 (d) (e)

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Tanzania in:

- *Becoming a party to the instruments to which it is not yet a party; and*
- *Enacting legislation, and making other necessary arrangements, to implement the instruments, to which it has become a party.*

Tanzania has ratified 8 Conventions relating to Terrorism. The process is underway to table Bills to ratify the remaining four Conventions.

SUB-PARAGRAPH 3 (e)

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism on the progress made by Tanzania in:

- *Becoming a party to the instruments to which it is not yet a party; and*
- *Enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.*

Please refer to the response in paragraph 3 (d) (e) above.

SUB-PARAGRAPH 3 (e)

In view of the fact that Tanzania has currently ratified only 4 of the 12 relevant instruments and acknowledges (response to sub-paragraph 2 (d) the need to undertake the process of strengthening existing national laws in order to incorporate the aspect of terrorism, 'the CTC would be grateful for an elaboration of the statement that 'Tanzania fully implements the Conventions, Protocols and Resolutions referred to in this sub-paragraph'

Tanzania has ratified 8 Conventions relating to Terrorism. The process is underway to table Bills to ratify the remaining four Conventions.

Have the offences set forth in the relevant International Conventions and Protocols been included as extraditable offences in the relevant bilateral treaties (if any) to which Tanzania is a party?

Extradition Crimes:

1. Criminal Homicide and similar offences
   - Murder and attempt and conspiracy to murder
   - Manslaughter.
2. Injury to persons not amounting to Homicide
   - Wounding or inflicting grievous bodily harm,
   - Assault, occasioning actual bodily harm or other aggravated assaults punishable by imprisonment for five years or more.
3. Abduction, Rape and similar offences
   - Rape, defilement, unlawful carnal knowledge,
   - Indecent assault,
   - Abortion and offences relating thereto,
   - Child-stealing,
   - Kidnapping and false imprisonment,
   - Procuration.

4. Narcotics and Dangerous Drugs
   - Offences relating to narcotics
   - Offence related to traffic in dangerous drugs.
5. Damage to property
   - Malicious damage to property,
   - Arson.
6. Falsification of Currency and similar offences
   - Counterfeiting and altering money, and uttering counterfeit or altered money,
   - Offences relating to counterfeiting.
7. Misappropriation, Fraud and similar offences
   - Theft and offences related thereto,
   - Fraudulent conversion, burglary and house breaking, robbery, robbery with violence,
   - Threats by letter or otherwise with intent to extort; intimidation,
   - Obtaining money or goods by false pretences,
   - Perjury and subornation of perjury,
   - Bribery and corruption,
   - Offences by bankrupts, against bankruptcy law, or any cognizable offence under the laws relating to bankruptcy,
   - Fraudulent misappropriations, fraud,
   - Receiving stolen property.
8. Piracy and similar dealings
   - Piracy by the law of nations,
   - Sinking or destroying a vessel at sea or in the air, or attempting or conspiring to do so,
   - Assault on board a ship on the high seas or an aircraft in the air with intent to destroy life or to do grievous bodily harm,
   - Revolt or conspiracy to revolt, by two or more persons, on board a ship on the high seas or an aircraft in the air against the authority of master, or captain of the aircraft.

SUB-PARAGRAPH 3 (g)

Is it possible under the Law of Tanzania for requests for the extradition of alleged terrorists to be refused on political grounds?

Yes.

Section 16(1) of the Extradition Act provides *inter alia* that subject to the provisions of section 17, no fugitive criminal shall be surrendered and no person arrested under Part III of this act shall be returned-

> (a) "If the offence in respect of which his surrender is required, or the offence specified in the warrant as the case may be, is one of a political character, or if it appears that the requisition for the surrender, or the application for endorsement of a warrant and return of the person named therein, has in fact been made with view to try or to punish him for an offence of a political character."

Nevertheless, this Section does not apply to terrorism-related cases. Section 39 of the Prevention of Terrorism Act states *inter alia*- "Notwithstanding anything in the Extradition Act of 1965, any offence which causes-

(a) death or serious bodily harm to a person or

(b) serious damage to property;

shall for the purpose of the extradition under this Act, be deemed not to be an offence of a political character or an offence connected with a political offence or inspired by political motives."

It would be helpful to the CTC to be provided with copies of, or internet reference of, up-to-date texts of the following legislation:

- *Economic and Organized Crimes Control Act of 1984.*
- *Proceeds of Crimes Act, 1991.*
- *Mutual Assistance in Criminal Matters Act, 1991.*
- *The Prevention of Terrorism Act, 2002.*

All Acts cited in this report can be found at the following website: http://www.parliament.go.tz.